

Membership Balance Plan  
Strategic Environmental Research and Development Program  
Scientific Advisory Board

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 2904 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Strategic Environmental Research and Development Program Scientific Advisory Board (“the Board”).
2. Mission/Function: The Strategic Environmental Research and Development Program Council (“the Council”) shall refer to the Board, and the Board shall review, each proposed research project including its estimated cost, for research in and development of technologies related to environmental activities in excess of \$1,000,000. The Council, pursuant to its responsibilities under 10 U.S.C. § 2902(d)(1) and in an effort to enhance the Board’s review process, has lowered the dollar threshold for referral by the Council to the Board to any proposed research projects in excess of \$900,000. The Board shall make any recommendations to the Council that the Board considers appropriate regarding such project or proposal.

The Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, and, if appropriate, funding within the scope of the Strategic Environmental Research and Development Program. In addition, the Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to 10 U.S.C. § 2902(d)(1).

3. Points of View: The membership of the Board is composed of not less than six and not more than 14 members.

Pursuant to 10 U.S.C. § 2904(b), the Board membership shall be composed of the following:

- a. Permanent members of the Board are the Science Advisor to the President and the Administrator of the National Oceanic and Atmospheric Administration or their respective designees;
- b. Non-permanent members of the Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. One such member of the Board shall be a representative of environmental public interest groups, and one such member shall be a representative of the interests of State governments.

Board members appointed by the Secretary of Defense and the Secretary of Energy, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular

Membership Balance Plan  
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Scientific Advisory Board

government employee (RGE) members. All SGE members are appointed to provide advice on behalf of the government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. The DoD, unless otherwise provided for by an Act of Congress or Presidential directive, does not use representative members on DoD-established or supported advisory committees.

4. Other Balance Factors: Not applicable.
5. Candidate Identification Process: As a first step in identifying nominees for the Board, the Executive Director of the Strategic Environmental Research and Development Program assesses the statutorily prescribed areas of expertise and determines what represented interests will be needed to provide balanced representation.

The Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, request that:

- a. the head of the National Academy of Sciences, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of the National Academy of Sciences, nominate persons for appointment to the Board;
- b. the Council on Environmental Quality nominate for appointment to the Board at least one person who is a representative of environmental public interest groups; and
- c. the National Association of Governors nominate for appointment to the Board at least one person who is a representative of the interests of State governments.

The Executive Director then reviews the requested nominations to identify those individuals who would best fulfill the requirements of the Board. The list of potential candidates is then provided to the Administrator of the Environmental Protection Agency for concurrence and submitted to the Secretary of the Department of Energy for approval.

Prior to the Secretary of the Department of Energy approval and the Administrator of the Environmental Protection Agency concurrence, the list of candidates will undergo a review by the Office of the General Counsel for the Department of Defense and the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Board's charter and membership balance plan. Following this review, the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) discusses his or her potential nominees with the Secretary of Defense or the Deputy Secretary of Defense and receives authority to proceed with the nominations. Pursuant to DoD policy, only the Secretary or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees.

As part of DoD's appointment approval process, candidates are required to complete all necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

Membership Balance Plan  
Strategic Environmental Research and Development Program  
Scientific Advisory Board

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of members to the Board for a term of service of not less than two but not more than four years, in accordance with 10 U.S.C. § 2904(b)(4), and subject to annual renewals. . No member may serve more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval. The USD(AT&L), as the Board's Sponsor, is authorized to administratively certify the appointment of Board members that were previously authorized by the Secretary or Deputy Secretary of Defense.

Membership vacancies for the Board will be filled in the same manner as described in the previous six paragraphs above.

6. Subcommittee Balance: DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board.

The Secretary of Defense or the Deputy Secretary of Defense authorizes the appointment of subcommittee members for two-to-four year terms of service with annual renewals; however, no member, unless authorized by the Secretary, may serve more than two consecutive terms of service. Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or from new nominees, as recommended by the USD(AT&L) and based upon the subject matters under consideration, but they must be authorized by the Secretary of Defense or the Deputy Secretary of Defense and administratively certified by the USD(AT&L) before participating in any subcommittee work.

Subcommittee members, if not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Those individuals who are full-time or permanent part-time Federal officers or employees shall serve as RGE members pursuant to 41 C.F.R. § 102-3.130(a).

7. Other: As nominees are considered for appointment to the Board, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Committees, Boards, and Commissions (79 FR 27482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: September 4, 2015